

The Appeals Board, before examining the merits of this case, will first determine whether it has jurisdiction to review the preliminary hearing order. This claim came before the Appeals Board from an appeal by the respondent from a preliminary hearing order entered pursuant to the preliminary hearing statute found at K.S.A. 44-534a, as amended.

Claimant filed an Application for Preliminary Hearing requesting the Administrative Law Judge to appoint a physician to examine and determine whether claimant was in need of further medical treatment. Claimant and respondent had settled claimant's claim for a work-related injury that occurred on October 11, 1994, in an agreed award dated August 21, 1996. The compromise settlement awarded claimant permanent partial general disability benefits in the amount of 33 percent. Also contained in the award was the finding that claimant was entitled to future medical treatment only upon proper application to and approval by the director of Workers Compensation.

The Appeals Board has limited jurisdiction to review the findings of an Administrative Law Judge made pursuant to the preliminary hearing statute. K.S.A. 44-534a(b)(2), as amended, only grants the Appeals Board jurisdiction to review the preliminary findings made by an Administrative Law Judge if one of the jurisdictional issues listed therein are raised by one of the parties. K.S.A. 44-551, as amended, grants the Appeals Board the authority to review the preliminary findings made by an Administrative Law Judge, if it is alleged the Administrative Law Judge exceeded his or her jurisdiction.

The preliminary hearing statute, K.S.A. 44-534a, as amended, specifically gives the Administrative Law Judge the authority to grant or deny medical compensation pending a full hearing on the claim. The Appeals Board finds the order made by the Administrative Law Judge in the preliminary hearing that is subject to this appeal is essentially an order for medical compensation. The Appeals Board finds, at this juncture of the proceeding, it does not have jurisdiction to review this preliminary hearing order. Therefore, respondent's application for review is dismissed.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Application for Review filed by the respondent before the Appeals Board is dismissed and the Order of the Administrative Law Judge Kenneth S. Johnson dated November 20, 1997, remains in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of January 1998.

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BOARD MEMBER

c: Mike Allen, Liberal, Kansas  
James H. Morain, Liberal, Kansas  
Kenneth S. Johnson, Administrative Law Judge  
Philip S. Harness, Director